

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

61090

FILE: B-186540

DATE: July 7, 1976

MATTER OF: Interstate Company, Inc.

98335

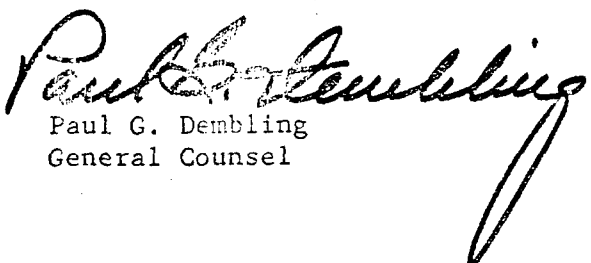
DIGEST:

Question concerning small business size status of proposed awardee is not for consideration by GAO since conclusive authority over question is vested by statute in Small Business Administration.

Interstate Company, Inc. protests the award of a contract by the Army under invitation for bids (IFB) DACA85-76-B-0033, a total small business set-aside, to any bidder other than Interstate. Interstate, the third low bidder, believes that award should be made to it on the grounds that the low bidder, Chris Berg, Inc., is not a small business and that the second low bidder, L.B. Anderson Construction, Inc., is nonresponsive.

The issue raised by Interstate concerning the small business size status of Chris Berg is not for consideration by this Office since conclusive authority over such questions is vested by statute in the Small Business Administration. B-184294, July 14, 1975, 75-2 CPD 33. The allegation by Interstate that L.B. Anderson is nonresponsive is moot since the Army has determined that L.B. Anderson is nonresponsive.

Accordingly, we are closing our file on the matter without further action.


Paul G. Dembling
General Counsel